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6
7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. Cr. S-03-511 GEB
12 v.) MOTION FOR LEAVE TO DISMISS
13 STEPHEN D. OLES,) PURSUANT TO RULE 48(a);
14 Defendant.) ORDER
15 _____)

16 The United States of America hereby moves pursuant to Rule
17 48(a) of the Federal Rules of Criminal Procedure for leave to
18 dismiss the Indictment in this case. In support thereof, the United
19 States represents as follows:

20 1. This case was indicted on December 3, 2003, after defendant
21 Oles became a fugitive from prosecution in a separate fraud case
22 pending in this district, United States v. Stephen D. Oles, Cr. S-
23 98-450 GEB. Oles was also a fugitive in a similar fraud case
24 pending in the Southern District of West Virginia.

25 2. As set forth in the Government's motion for leave to
26 dismiss the Indictment as to Defendant Oles in that case, filed
27 contemporaneously herewith, in 2003 Oles was arrested and then
28 prosecuted in the United Kingdom, and in late 2006 he was extradited

1 to the United States. On December 4, 2006, defendant Oles signed a
2 plea agreement in the Southern District of West Virginia, pursuant
3 to which he agreed to plead guilty to conspiracy, wire fraud and
4 obstruction of justice charges in that district. Pursuant to the
5 agreement, which was signed by Assistant U.S. Attorneys handling
6 both the West Virginia case and the cases pending against Oles in
7 this district, Oles' conduct in the Eastern District of California
8 case was to be considered as relevant conduct at sentencing in the
9 West Virginia case, and victims in this district were to be included
10 in the restitution ordered in that case. In exchange, the
11 Government agreed to dismiss this case and the underlying case
12 against Oles in this district. On January 16, 2007, defendant Oles
13 pleaded guilty in U.S. District Court in Charleston, West Virginia
14 pursuant to the plea agreement.

15 3. On April 16, 2007, defendant Oles was sentenced in U.S.
16 District Court in West Virginia to 121 months in prison, and ordered
17 to pay \$2,023,057 to victims, including the victims in the
18 underlying case in this district. Accordingly, pursuant to the plea
19 agreement with defendant Oles, the Government now seeks leave to
20 dismiss the indictment in this case.

21
22 Date: April 18, 2007

Respectfully Submitted,

23 MCGREGOR W. SCOTT
24 United States Attorney

25 By: /S/ Benjamin Wagner
26 BENJAMIN B. WAGNER
27 Assistant U.S. Attorney
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10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. Cr. S-03-511 GEB
12 v.) ORDER DISMISSING INDICTMENT
13 STEPHEN D. OLES,)
14 Defendant.)
15 _____)

16 The United States has moved pursuant to Rule 48(a) of the
17 Federal Rules of Criminal Procedure for leave to dismiss the
18 Indictment as to Defendant Stephen D. Oles, the defendant having
19 been sentenced to ten years in prison in a federal case pending in
20 the Southern District of West Virginia. Good cause having been
21 shown, leave to dismiss the Indictment is **GRANTED**, and the
22 Indictment is hereby **DISMISSED**.

23 Dated: April 19, 2007
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25 
26 GARLAND E. BURRELL, JR.
United States District Judge
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